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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/325,536	06/04/1999	KEVIN BOYLE	47004.000040	2934

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EXAMINER
THOMPSON JR, FOREST

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/325,536	BOYLE ET AL.	
	Examiner	Art Unit	
	Forest Thompson Jr.	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *3/17/2003 & 4/16/2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 5-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 5-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 June 1999* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/16/2003 has been entered.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action (See Paper No. 5). The text of those sections of Title 35, U.S. Code not otherwise provided in a prior Office action will be included in this action where appropriate.

3. This action is responsive to the amendment (amendment C) filed 07 March 2003 (see Paper #24). Amendment C amended claims 1, 5, 13, 17, and 21. Claims 1-3 and 5-25 are pending.

4. Claims 1-3 and 5-25 have been examined.

Claim Rejections - 35 USC § 112

5. Claims 1-4 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner withdraws the rejection.

Claim Rejections - 35 USC § 102

6. Claim 13 was rejected under 35 U.S.C. 102(e) as being anticipated by Kolling et al. (U.S. Patent No. 5,920,847). Applicant's amended claim overcomes the rejection. Therefore, examiner withdraws the 35 U.S.C. § 102(e) rejection and rejects the amended claim below under 35 U.S.C. § 103.

Claim Rejections - 35 USC § 103

7. **Note**: In this invention, applicant claims a credit card having encoded information thereon that associates the cardholder with a plurality of clubs, merchants or service providers for which automated charges can be effectuated. Examiner maintains that the plurality of clubs, merchants or service providers for which automated charges can be effectuated are consistent with any service providers or entities (including the funding of an investment account at a service provider) that may be associated with a cardholder through encoded information on the credit card, including merely an account number on the credit card that is correlated by the credit card issuer with the credit card number and associated data in the credit card issuer's database, and adds no patentable weight to applicant's claim. The functionality for this association exists in

most databases through their inferred capabilities as databases. Databases provide the functionality to store, sort and correlate data based on user guidelines. Databases also allow multiple cross-references or cross-correlations for similar or related data. Additionally, specific claim limitations to "the plurality of clubs, merchants or service providers for which automated charges can be effectuated" do not change or prevent this inference.

8. The rejection of claims 1-3 and 5-25 is maintained from Paper #21, and changed as appropriate to address applicant's amendment to the claim language. Applicant did not argue the claim rejections. Additionally, the lack of argument implies that the prior art of record discloses applicant's invention. Examiner has applied no new prior art in this rejection beyond the scope of that applied in Paper #21. Additional old and well known prior art has been identified at section 15 below that may be applied in the future that discloses the feature of an admission pass and associated information.

9. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez-Holmann (U.S. Patent No. 5,787,404), and further in view of Kolling et al. (U.S. Patent No. 5,920,847), Pollin (U.S. Patent No. 6,041,315), Perazza (U.S. Patent No. 5,326,959) , and Official Notice.

Claim 1: Fernandez-Holmann discloses:

- a credit card capable of charging point of service transactions (col. 2 lines 24-44); and
- said credit card having encoded information thereon (col. 2 lines 24-44);
- a method and system for providing an investment fund, such as a long term investment fund which may be suitable for retirement purposes, comprising the steps of establishing a credit based account with a credit card issuer for the benefit of a credit card holder, providing an investment account with a financial institution for the benefit of the credit card holder, funding the investment account by the credit card issuer with a predetermined amount of money on a periodic basis, and charging an amount of money so funded against the credit based account of the credit card holder (Abstract), which encompasses automated charges.

Fernandez-Holmann does not specifically disclose said credit card having encoded information thereon that associates the cardholder with a plurality of clubs, merchants or service providers for which automated charges can be effectuated without requiring the cardholder or the plurality of clubs, merchants or service providers to submit payment authorization or payment requests for each automated charge. However, one inherent feature of credit cards is an identifier encoded on the card that allows the card issuer to identify the user account in a database of user accounts to be charged or credited for transactions, and store and correlate other information in the database as determined by the card issuer that the card issuer may require to administer the user account. Additionally, Perazza discloses:

- funds can automatically and promptly be transferred, together with appropriate customer identifying information, to each biller's designated bank and its application, using conventional clearinghouse systems (Abstract);

- The bank has stored, in computer memory, the names and other identifying information regarding the billers for each customer (Abstract).

- preauthorized payment instructions for bill payments which are regular and fixed (col. 3 lines 9-17).

Kolling et al. discloses service bureau S receives one or more bill pay orders from consumer C. These orders could be instructions to pay some amount for a bill or a set amount of money at periodic intervals (col. 7 lines 49-52). Additionally, Pollin discloses the system verifies the bank and account information by comparing the input information to records in a database associated with the system (Abstract). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Fernandez-Holmann to disclose said credit card having encoded information thereon that associates the cardholder with a plurality of clubs, merchants or service providers for which automated charges can be effectuated without requiring the cardholder or the plurality of clubs, merchants or service providers to submit payment authorization or payment requests for each automated charge, as disclosed through the functionality of Kolling et al., Pollin and Perazza, because this provides capabilities that facilitate the user's payment process and ease the burden on the user of making repetitive payments at periodic intervals.

Fernandez-Holmann does not specifically disclose said encoded information thereon identifies one or more said plurality of clubs, merchants or service providers for use as an admission pass. However, Official Notice is taken that use of a credit card or other card as an admission pass was old and well known at the time the invention was made. One example is the use of an ATM card at a bank to open the door to access the area where an ATM is located. Another example is the use of an IC card as an admission pass into a (e.g., government) facility through a security door the scans or reads the card. Therefore, it would have been obvious to one skilled in the art to modify the disclosure of Fernandez-Holmann to disclose encoded information thereon identifies one or more said plurality for use as an admission pass, as disclosed in Kolling et al., Pollin, Perazza, and old and well-known art, for the motivation of allowing a cardholder to automatically charge a fee to a club, merchant or service-provider.

Claim 2: Fernandez-Holmann discloses said encoded information is of an account number that is correlated by a credit card processing system to said plurality (col. 2 lines 24-44), .

Claim 3: Fernandez-Holmann disclose said cardholder's account is automatically updated to reflect said automated charges by said credit card processing system (col. 2 lines 24-44; col. 4 lines 9-34).

10. Claims 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez-Holmann (U.S. Patent No. 5,787,404), and further in view of Reeder (U.S. Patent No. 6,014,636), Kolling et al. (U.S. Patent No. 5,920,847), and Official Notice.

Claim 5: Fernandez-Holmann discloses:

- a server adapted to interface with user systems for receiving applications and batch processing auto-charge transactions; (col. 2 lines 27-38), through establishing a credit based account with a credit card issuer for the benefit of a credit card holder, providing an investment account with a financial institution for the benefit of the credit card holder, funding the investment account by the credit card issuer with a predetermined amount of money on a periodic basis, and charging an amount of money so funded against the credit based account of the credit card holder, all of which support the functionality of a server as part or component of the Fernandez-Holmann invention;
- a monetary processor system for processing point of sale transactions submitted over an interchange (col. 3 lines 19-21), by automatically making the required periodic payments to the investment account and billing the consumer accordingly along with the purchase charges normally incurred by the consumer; and
- the credit card holder may be billed by the credit card issuer for the amount of money funded to the investment account (col. 2 lines 45-47), by automatically making the required periodic payments to the investment account and billing the consumer accordingly along with the purchase charges normally incurred by the consumer.

Neither Fernandez-Holmann, Kolling et al. nor Reeder specifically disclose said database further contains information describing admission of said plurality of cardholders into said plurality of clubs, merchants or service-providers. However, Official Notice is taken that use of a credit card or other card as an admission pass and that the admission information stored in a database were old and well known in the art at the time the invention was made. One example is the use of an ATM card at a bank to open the door to access the area where an ATM is located that is verified by the bank's computer to control the access. Another example is the use of an IC card as an admission pass into a (e.g., government) facility through a security door the scans or reads the card and compares the scanned data with data in a database. Therefore, it would have been obvious to one skilled in the art to modify the disclosures of Fernandez-Holmann, Kolling et al. and Reeder to specifically disclose said database further contains information describing admission of said plurality of cardholders into said plurality of clubs, merchants or service-providers, Kolling et al., Reeder nor old and well known art, for the motivation of processing auto-charges for one or more clubs, merchants or service-providers.

Fernandez-Holmann does not specifically disclose a database containing a plurality of cardholders, nor said auto-charge transactions do not require the plurality of clubs, merchants or service-providers to submit a charge for each auto-charge transaction. Fernandez-Holmann does disclose establishing a credit-based account with a credit card issuer for the benefit of a credit card holder, and providing an investment account with a financial institution for the benefit of the credit card holder

(col. 2 lines 27-38). These are actions associated with and necessary for the functionality of creating and using a database, and infer a database containing a plurality of credit card holders.

Additionally, Reeder discloses a method for providing point-of-sale (POS) payment using interactive television (ITV) or the World Wide Web (WWW) by directly debiting a customer's bank account through electronic transfer of funds or by billing a customer's credit card account (Abstract).

Neither Fernandez-Holmann nor Reeder specifically disclose a dues processor system for processing batch files of auto-charges. Fernandez-Holmann does disclose:

- automatically making the required periodic payments to the investment account and billing the consumer accordingly along with the purchase charges normally incurred by the consumer (col. 3 lines 19-21); and
- A fee such as a service charge or interest may be charged against the credit based account of the credit card holder when the credit card issuer funds the investment account in any given period (col. 2 lines 41-44), which encompasses the functionality of a dues processor.

Additionally, Kolling et al. discloses:

- batch processing auto-charge transactions (col. 11 lines 5-33; col. 37 lines 9-17); and
- Additionally, a service bureau S (52) and a Bank S (53) are participants, with service bureau S maintaining a service database 54 which is used to match bill payment orders with billers (col. 6 lines 50-57).

Therefore, it would have been obvious to one skilled in the art to modify the disclosure of Fernandez-Holmann to specifically disclose a server adapted to interface with user systems for receiving applications and batch processing auto-charge transactions; a monetary processor system for processing point of sale transactions submitted over an interchange; a dues processor system for processing batch files of auto-charges; a database containing a plurality of cardholders, and said auto-charge transactions do not require the plurality of clubs, merchants or service-providers to submit a charge for each auto-charge transaction, as disclosed by Reeder and Kolling et al., for the motivation of processing auto-charges for one or more clubs, merchants or service-providers.

Claim 6: Fernandez-Holmann discloses a report processor system for generating reports of account activity (col. 3 lines 11-21).

Claim 7: Fernandez-Holmann discloses a transaction processor for accessing said database to determine if a transaction request is to be authorized (col. 5 lines 3-35).

Claims 8-12: Fernandez-Holmann does not disclose said database further contains information identifying a partner that is associated with a plurality of clubs, merchants, or service-providers; said partner is a branch of the military, said partner is a university or college; said database contains information identifying one or more installations or bases of said partner; said database is a fully relational database allowing a cardholder to be transferred from one installation or base to another installation or base. Official Notice is taken that it was old and well known in the art at the time the invention was

made that organizations may be associated with a plurality of clubs, merchants, or service providers for business or other purposes. One example of this are the gas stations located on military installations. Additionally, Official Notice is taken that it was old and well known in the art at the time the invention was made that users of credit accounts/instruments or other types of accounts may relocate from time to time and still be able to use the credit instruments previously used, while providing update information as to the user's status and location/address. This is a common procedure for credit card users who may change their residence due to employment or other reasons. Additionally, credit card users who travel may still use their credit cards while away from the area of their primary residence. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Fernandez-Holmann to disclose said database further contains information identifying a partner that is associated with a plurality of clubs, merchants, or service providers, said partner is a branch of the military, said partner is a university or college, said database contains information identifying one or more installations or bases of said partner, and said database is a fully relational database allowing a cardholder to be transferred from one installation or base to another installation or base, as disclosed by Kolling et al., Reeder, and old and well known art, for the motivation of processing auto-charges for one or more clubs, merchants or service-providers.

11. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al. (U.S. Patent No. 5,920,847) and OFFICIAL NOTICE.

Claim 13: Kolling et al. discloses:

- a server for receiving applications, processing point of sale transactions and processing auto-charges to the plurality of clubs, merchants or service-providers (col. 3 line 67 – col. 4 line 6; col. 11 lines 5-33; fig. 18A [1802-1807]);
- a plurality of user systems for submitting applications (fig. 14 [502a-c]);
- a network interfacing said server and said plurality of user systems (col. 11 lines 5-33); and
- wherein said auto-charges do not require the plurality of clubs, merchants or service-providers to submit a payment request for each auto-charge (col. 7 lines 48-51), through the functionality of the disclosure of *service bureau S receives one or more bill pay orders from consumer C. These orders could be instructions to pay some amount for a bill or a set amount of money at periodic intervals.*

Kolling et al. does not specifically disclose said server further comprising a database comprising information describing admission of said cardholders into said plurality of clubs, merchants, or service-providers. However, Official Notice is taken that use of a credit card or other card as an admission pass and that storage of admission information in a database were old and well known in the art at the time the invention was made. One example is the use of an ATM card at a bank to open the door to access the area where an ATM is located that is verified by the bank's computer to control the access. Another example is the use of an IC card as an admission pass into a (e.g., government) facility through a security door the scans or reads the card and

compares the scanned data with data in a database to control the access. Therefore, it would have been obvious to one skilled in the art to modify Fernandez-Holmann to disclose said server further comprising a database comprising information describing admission of said cardholders into said plurality of clubs, merchants, or service-providers, as disclosed in and old and well-known art, Kolling et al., Pollin, and Perazza, for the motivation of processing auto-charges for cardholders associated with a plurality of clubs, merchants or service-providers.

Claims 14, 15: Kolling et al. does not disclose at least one of said user systems is located at a military base, nor at least one of said user systems is located at a university or college. However, Official Notice is taken that the location of the user system is not a necessary parameter in the use of the invention (outside the art), nor does it necessarily enhance or restrict the use of the invention. Therefore, it would have been obvious to one skilled in the art at the time the invention was made that at least one of the user systems could be located at a military base or a university or college, or anywhere appropriate/necessary network connectivity may be achieved to provide the desired level of service to the user. Such connectivity is restricted only by limitations on connectivity to appropriate network connectivity access points. It would have been obvious to one skilled in the art at the time the invention was made to modify Kolling et al. to disclose at least one of said user systems is located at a military base, or at least one of said user systems is located at a university or college, as disclosed by obvious and old and well known potential connectivity capabilities, for the motivation of

processing auto-charges for cardholders associated with a plurality of clubs, merchants or service-providers.

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al. (U.S. Patent No. 5,920,847), and further in view of Fernandez-Holmann (U.S. Patent No. 5,787,404) and OFFICIAL NOTICE.

Claim 16: Kolling et al. discloses:

- participating consumers pay bills to participating billers (col. 11 lines 5-33).
- information of charges to be automatically posted to cardholder accounts and credited to a club, merchant or service-provider (Abstract).

Additionally, Fernandez-Holmann discloses:

- the system and methods of the preferred embodiment of the present invention described and claimed may be carried out by any of various computer based systems known in the prior art and programmed according the methodologies described herein in order to carry out the desired functions (col. 7 lines 31-36), and
- the credit card issuer automatically makes the required periodic payments to the investment account and bills the consumer accordingly along with the purchase charges normally incurred by the consumer (col. 3 lines 17-21).

Also, Official Notice is taken that databases were old and well known in the art at the time the invention was made and were/are common to banks and credit card companies. They provide necessary functionality for the efficient and quick electronic

storage and manipulation of data. Therefore, it would have been obvious to one skilled in the art to modify the invention of Kolling et al. to disclose a database of cardholders including information of charges to be automatically posted to cardholder accounts and credited to a club, merchant or service provider, as disclosed by Fernandez-Holmann and old and well known art, for the motivation of processing auto-charges for cardholders associated with a plurality of clubs, merchants or service-providers.

13. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez-Holmann (U.S. Patent No. 5,787,404), and further in view of Pollin (U.S. Patent No. 6,041,315), Kolling et al. (U.S. Patent No. 5,920,847) , and Official Notice.

Claim 17: Fernandez-Holmann discloses providing a credit card processing system having a database of cardholder account data, including in said database information of a plurality of clubs, merchants or service providers agreeing to auto-charging of dues or fees, and entering data in said database for an applicant or cardholder of one or more clubs, merchants or service providers which are to be issued funds automatically without the one or more clubs, merchants or service-providers submitting a payment request for each due or fee, through the functionality of:

- through establishing a credit based account with a credit card issuer for the benefit of a credit card holder, providing an investment account with a financial institution for the benefit of the credit card holder, funding the investment account by the credit card issuer with a predetermined amount of money on a periodic basis, and

charging an amount of money so funded against the credit based account of the credit card holder, all of which support the functionality of a server as part or component of the Fernandez-Holmann invention (col. 2 lines 27-38); and

- automatically making the required periodic payments to the investment account and billing the consumer accordingly along with the purchase charges normally incurred by the consumer (col. 2 lines 45-47; col. 3 lines 19-22).

Additionally, Pollin discloses *the system verifies the bank and account information by comparing the input information to records in a database associated with the system* (Abstract). Also, Kolling et al. discloses *Additionally, a service bureau S (52) and a Bank S (53) are participants, with service bureau S maintaining a service database 54 which is used to match bill payment orders with billers* (col. 6 lines 50-57). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Fernandez-Holmann to disclose a credit card processing system having a database of cardholder account data, as disclosed by Pollin or Kolling et al., for the motivation of providing a credit card system that automatically bills cardholders and credits clubs, merchants and service-providers.

Neither Fernandez-Holmann, Pollin, nor Kolling et al. specifically disclose including in a database information describing admission of said cardholders into said plurality of clubs, merchants or service-providers. However, Official Notice is taken that use of a credit card or other card as an admission pass and that storage of admission information in a database were old and well known in the art at the time the invention was made. One example is the use of an ATM card at a bank to open the door to

access the area where an ATM is located that is verified by the bank's computer to control the access. Another example is the use of an IC card as an admission pass into a (e.g., government) facility through a security door the scans or reads the card and compares the scanned data with data in a database. Therefore, it would have been obvious to one skilled in the art to modify the disclosures of Fernandez-Holmann, Kolling et al. and Pollin to specifically store in a database information describing admission of said cardholders into said plurality of clubs, merchants or service-providers, as disclosed by old and well known art, for the motivation of providing a credit card system that automatically bills cardholders and credits clubs, merchants or service-providers.

Claim 18: Fernandez-Holmann discloses said step of entering data includes entry of information describing at least one of the frequency and date of the funds to be issued (col. 2 lines 23-44).

Claim 19: Fernandez-Holmann discloses said step of entering data includes entry of information describing the amount of funds to be issued (col. 2 lines 23-44).

Claim 20: Fernandez-Holmann discloses the step of processing a plurality of transaction requests based on said data (col. 4 lines 9-34).

14. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolling et al. (U.S. Patent No. 5,920,847), and further in view of Fernandez-Holmann (U.S. Patent No. 5,787,404), Pollin (U.S. Patent No. 6,041,315), Perazza (U.S. Patent No. 5,326,959), and Official Notice.

Claim 21: Kolling et al. disclose:

- periodically searching the database to identify a plurality of cardholders who are to be charged a fee or due by one or more clubs, merchants, or service-providers without the one or more clubs, merchants or service-providers submitting a payment request for each due or fee (col. 11 lines 5-33), through the activities associated with identifying billers, setting communications protocols, data pointers pointing to data elements to be associated with account processing;
- service bureau S receives one or more bill pay orders from consumer C. These orders could be instructions to pay some amount for a bill or a set amount of money at periodic intervals (col. 7 lines 49-52).
- generating a batch of transaction requests based on said step of searching (col. 36 lines 31-67; col. 37 lines 1-16);
- submitting said batch to a transaction processor (col. 36 lines 31-67; col. 37 lines 1-16); and
- updating the accounts of said plurality of cardholders based on results reported by said transaction processor (col. 37 lines 27-30).

Additionally, Fernandez-Holmann discloses a method and system for providing an investment fund, such as a long term investment fund which may be suitable for retirement purposes, comprising the steps of establishing a credit based account with a credit card issuer for the benefit of a credit card holder, providing an investment account with a financial institution for the benefit of the credit card holder, funding the investment account by the credit card issuer with a predetermined amount of money on a periodic basis, and charging an amount of money so funded against the credit based account of the credit card holder (Abstract), which encompasses automated charges.

Additionally, Perazza discloses:

- funds can automatically and promptly be transferred, together with appropriate customer identifying information, to each biller's designated bank and its application, using conventional clearinghouse systems (Abstract);
- The bank has stored, in computer memory, the names and other identifying information regarding the billers for each customer (Abstract).
- preauthorized payment instructions for bill payments which are regular and fixed (col. 3 lines 9-17).

Additionally, Pollin discloses the system verifies the bank and account information by comparing the input information to records in a database associated with the system (Abstract). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Kolling et al. to disclose said credit card having encoded information thereon that associates the cardholder with a plurality of clubs, merchants or service providers for which automated charges can be

effectuated without requiring the cardholder or the plurality of clubs, merchants or service providers to submit payment authorization or payment requests for each automated charge, as disclosed through the functionality of Fernandez-Holmann, Pollin and Perazza, because this provides capabilities that facilitate the user's payment process and ease the burden on the user of making repetitive payments at periodic intervals.

Neither Kolling et al., Fernandez-Holmann, Pollin, nor Perazza specifically disclose said step of updating further comprising updating information describing admission of said cardholders into said plurality of clubs, merchants, or service-providers. However, Official Notice is taken that use of a credit card or other card as an admission pass and that storage of admission information in a database were old and well known in the art at the time the invention was made. One example is the use of an ATM card at a bank to open the door to access the area where an ATM is located that is verified by the bank's computer to control the access. Another example is the use of an IC card as an admission pass into a (e.g., government) facility through a security door the scans or reads the card and compares the scanned data with data in a database to control the access. Therefore, it would have been obvious to one skilled in the art to modify the disclosures of Kolling et al., Fernandez-Holmann, Pollin, and Perazza to specifically update information describing admission of said cardholders into said plurality of clubs, merchants, or service-providers, as disclosed by old and well known art, for the motivation of processing a series of transaction requests based on information in a database for a plurality of cardholders.

Claim 22: Kolling et al. disclose automatically transferring funds to a club, merchant or service provider based on said results (col. 36 lines 31-67; col. 37 lines 1-30).

Claim 23: Claim 23 is written as a method and contains essentially the same limitations as claim 22; therefore, the same rejection is applied.

Claims 24 and 25: Kolling does not specifically disclose said club, merchant or service provider is located on a military base or installation. Kolling does disclose it is possible that service providers will provide services to a consumer regardless of the location of the consumer's account and that banks will accept payment authorization requests from any service providers (col. 32 lines 17-29), which encompasses the claim language of said club, merchant or service provider is located on a military base or installation. Additionally, the location of said club, merchant or service provider as defined in applicant's invention is not a necessary parameter in the use of the invention (outside the art), nor does it necessarily enhance or restrict the use of the invention. The invention may be used practically anywhere that a computer may be interconnected to an appropriate network and be operated. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosures of Kolling, Fernandez-Holmann, Pollin, Perazza et al., and old and well known art to specifically disclose said club, merchant or service provider is located on a military base or installation, because this encompasses capabilities already encompassed by the disclosure of Kolling et al.

Response to Arguments

15. Applicants' arguments filed 03/17/2003 have been fully considered but they are not persuasive. The arguments that the entry of the amendment make the application allowable is not persuasive. All aspects of the claimed invention were rejected in Paper #21. The new claim language of Paper #24, while not exactly the same as the deleted claim 4, presents a similar inventive step in each of the amended independent claims. Therefore, the same prior art is held to disclose applicant's invention. Applicants' lack of arguments against the language of the rejection of claim 4 implies that he knows that this is an old and well known feature. Additionally, applicants' lack of arguments against the language of the rejection of claims 1-3 and 5-25 implies that he knows that the identified prior art discloses his invention. The application as amended is rejected as stated above.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art includes:

- Ansted et al. (WO 94/29112) discloses an admission ticket including a plastic card with a magnetic strip having data indicating admission to a sporting event or arts performance, and human readable indicia related by alphanumeric characters or pictorial representations to represent a seat location and/or street map;
- Boushy et al. (U.S. Patent No. 6,003,013) discloses the casino may have privileged facilities, such as member-only clubs, that are accessed by controlled doors,

with any variety of computer-controllable locking mechanisms. The locking mechanism of such a door may be coupled to a relay 716 and a logic unit, which in turn are coupled to a card reader 724 located suitably near the controlled door. Insertion of the customer identity card initiates communication with the CMS 234 to obtain customer data including status data from the CPDB 220. If the customer status data indicates a special customer, the logic unit signals the controllable locking mechanism to unlock the doors and allow access to the privileged facility.

- Maloney et al. (U.S. Patent No. 6,119,932) discloses the embodiments of the identification verification apparatus may be installed so that the customer or visitor presents his or her identification directly to the apparatus of the present invention. The latter arrangement will typically apply, for example, in vending machine installations, but may also be used at point-of-sale and security installations. The embodiments described herein may alternatively be used for identification verification at testing sites, airport check-in, financial institutions, prisons, government offices and the like.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

F. Thompson
June 20, 2003

Jeffrey A. Smith
Primary Examiner